

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA,
NORTHERN DIVISION

FRED L. PLUMP,

Plaintiff,

v.

HONORABLE BOB RILEY, as Governor of
the State of Alabama,

Defendant.

CIVIL ACTION NO.
2:07-cv-01014-MEF-CSC

Motion to Postpone Consideration of Attorneys' Fees

1. This Court entered a judgment on 22 January 2008 and an amended judgment on 25 January 2008 (Docs. 29 and 33).
2. The plaintiff filed for an award of attorneys' fees on 8 February 2008 (Doc. 35).
3. The Court set a deadline of 26 March 2008 for the plaintiff to file an itemization of attorneys' time and expenses and a supporting brief (Doc. 37).
4. On 22 March, Governor Riley filed a notice of appeal to the United States Supreme Court (Doc. 39).
5. Because of the pending appeal, the further consideration of the motion for attorneys' fees at this time will be wasted effort for both the parties and the Court. If the defendant is successful on his appeal, the plaintiff will probably not be entitled to attorneys' fees; if the plaintiff is successful on appeal, the amount of attorneys' time and expenses will be greatly increased.

6. For these reasons, the plaintiff prays that the Court vacate the order of 6 March (Doc. 37) and allow the plaintiff to file a new motion for attorneys' fees at the conclusion of the appeal. The defendant's counsel has no opposition to this motion.

Submitted by,

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CERTIFICATE OF SERVICE

I certify that on 25 March 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following attorneys:

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